## Schacht & McElroy

Robert M. Schacht Michael R. McElroy

Members of Rhode Island and Massachusetts Bars

Attorneys at Law

(401) 351-4100 fax (401) 421-5696

21 Dryden Lane Post Office Box 6721 Providence, Rhode Island 02940-6721

email: RMSchacht@aol.com McElroyMik@aol.com

April 8, 2005

Luly Massaro, Clerk Public Utilities Commission 89 Jefferson Boulevard Warwick, RI 02888

In Re: Island Hi-Speed Ferry, LLC. - Docket No. 3669

Dear Luly:

Enclosed are an original and nine copies of Interstate Navigation Company's Motion for an Extension of Time to Object to the Petition of Island Hi-Speed Ferry for Exemption from Commission Rules of Practice and Procedure, Part Two.

If you have any questions, please feel free to call.

Very truly yours,

Mićhael R. McElroy

MRMc:tmg

In20:IHSF Rate-Massaro

CC:

Susan Linda

Walter E. Edge, CPA Mark McSally, Esq. Paul Roberti, Esq.

Hagopian & Hagopian Packer & O'Keefe

## STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION

IN RE: Island Hi-Speed Ferry, LLC.

Docket No. 3669

MOTION OF INTERSTATE NAVIGATION COMPANY d/b/a THE BLOCK ISLAND FERRY FOR AN EXTENSION OF TIME TO OBJECT TO THE PETITION OF ISLAND HISPED FERRY FOR EXEMPTION FROM COMMISSION RULES OF PRACTICE AND PROCEDURE, PART TWO

Island Hi-Speed Ferry (IHSF) has filed a Petition for Exemption from Commission Rules of Practice and Procedure, Part Two, and has coupled that filing with a Petition for Modification of Rate Order, as amended. It has recently come to the attention of counsel for Interstate Navigation Company (Interstate) that the Commission will be treating the Petition for Exemption from the Commission Rules of Practice and Procedure, Part Two as a motion, and will be treating the Petition for Modification of Rate Orders (as amended) as a rate change proceeding.

Interstate had assumed that the usual process for handling a rate change proceeding would be followed and that a prehearing conference would be held under Rule 1.16, with notice to all interested parties. The prehearing conference usually establishes the "details of the procedural schedule," including "the consideration of outstanding motions." A deadline for the filing of motions to intervene under Rule 1.13(d) is also usually established at this conference. A prehearing conference has not yet been scheduled.

It is Interstate's intention to (1) move to intervene in this matter, (2) object to the Petition for Exemption from Commission Rules of Practice and Procedure, Part Two, and (3) object to the Petition for Modification of Rate Orders, as amended. Because the prehearing conference has not yet been held, Interstate did not believe that any filings were expected

from Interstate or any of the other interested parties at this time. However, Commission counsel yesterday informed Interstate's counsel by e-mail that the Petition for Exemption from the Commission's Rules will be considered to be a motion, and that an objection should be filed under Rule 1.15

Interstate respectfully moves under Rule 1.15(d) that Interstate's time for filing its objection to the Petition for Exemption from the Commission's Rules of Practice and Procedure, Part Two, be extended through and including Friday, April 15, 2005. In support of this request for an extension of time, counsel for Interstate represents that he is currently simultaneously involved in a number of matters, including, but not limited to, representing Block Island Power Company in a pending rate case before this Commission, representing Interstate in a pending Certificate of Public Convenience and Necessity matter before the Division, representing Providence Water in a multi-million dollar tax appeal, and numerous other matters, all of which have necessitated counsel's request for this extension of time.

Therefore, Interstate respectfully requests that its time for responding to IHSF's Petition for Exemption from Commission Rules of Practice and Procedure, Part Two be extended through and including April 15, 2005.

Respectfully submitted,

Interstate Navigation Company

By its attorney

Michael R. McElroy, Esq., #2627

Schacht & McElroy

21 Dryden Lane P.O. Box 6721

Providence, RI 02940-6721

Tel: (401) 351-4100

Fax: (401) 421-5696

E-mail: McElroyMik@aol.com

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 8th day of April 2005, I mailed and e-mailed a true copy of the foregoing by first class mail to the following:

Mark McSally, Esq. Kelly, Kelleher, Reilly & Simpson 28 Caswell Street Narragansett, RI 02882

Hagopian & Hagopian 60 South County Commons Way Suite G5 South Kingstown, RI 02879 Paul Roberti, Esq. Attorney General's Office 150 South Main Street Providence, RI 02903

Packer & O'Keefe 1220 Kingstown Road Peace Dale, RI 02883

In20:IHSF Rate-Motion